

1 ROGERS JOSEPH O'DONNELL & PHILLIPS  
2 THOMAS H. CARLSON (State Bar No. 121367)  
3 AARON P. SILBERMAN (State Bar No. 161021)  
4 311 California Street  
5 San Francisco, California 94104  
6 Telephone: 415.956.2828  
7 Facsimile: 415.956.6457

8 Attorneys for Plaintiffs  
9 21X CAPITAL LTD. and DAVID A.  
10 BREWER

11  
12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN JOSE DIVISION

15 21X CAPITAL LTD.; DAVID A.  
16 BREWER,

17 Plaintiffs,

18 vs.

19 ROBERT WERRA; JOHN WERRA; 20/20  
20 TECHNOLOGIES, INC. and DOES 1-50,  
21 inclusive,

22 Defendants.

Case No. C06-04135 JW (HRL)

**STIPULATED REQUEST FOR ORDER  
STAYING ACTION AND ORDER**

23 Plaintiffs 21X Capital Ltd. and David A. Brewer, and defendants Robert  
24 Werra, John Werra, and 20/20 Technologies (collectively, "the Parties"), by and through their  
25 attorneys of record, hereby stipulate that this action be stayed until no earlier than November  
26 1, 2006 (unless a later application or stipulation is filed to lift such stay), and jointly request  
27 that the Court enter an order so staying the action. The parties further request that the dates in  
28 the "order setting initial case management conference and ADR Deadlines" (including but not  
limited to the dates for the initial disclosures and the initial case management conference) be  
vacated, and re-set as appropriate following the lifting of any stay. The parties further request  
that the pending motion to dismiss or transfer venue be taken off calendar as part of the stay,

1 without waiver of defendants' right to re-set such motion following the lifting of the stay.

2 This is an alter ego action in which plaintiffs allege that defendants are alter  
 3 egos of RJW Acquisitions, L.C. ("RJW"). The Parties request this stay because RJW has  
 4 filed for bankruptcy in the United States Bankruptcy Court for the Eastern District of Texas  
 5 (Sherman Division) (case no. 06-40238) and is the subject of ongoing bankruptcy  
 6 proceedings in that court. Among those proceedings is a pending motion in which the trustee  
 7 of RJW's estate contends that the estate owns the alter ego claims alleged by plaintiffs in this  
 8 action. Furthermore, the Parties, as well as RJW's trustee in bankruptcy, have all agreed to  
 9 attend a mediation in Texas, presently scheduled to take place at some point in October, 2006.

10 The Parties, as well as RJW's trustee in bankruptcy, all agree that it is in their  
 11 interests and will promote judicial efficiency if this action is stayed until further activities in  
 12 RJW bankruptcy proceedings take place and the parties engage in the mediation process.

13 **IT IS SO STIPULATED.**

14 For Plaintiffs:

15 Dated: July 21, 2006

ROGERS JOSEPH O'DONNELL & PHILLIPS

17 By: 

AARON SILBERMAN

Attorneys for Plaintiffs 21X CAPITAL LTD. and  
 DAVID A. BREWER

21 For Defendants:

22 Dated: July 21, 2006

MURPHY, PEARSON, BRADLEY & FEENEY

24 By: 

JOHN FEENEY

Attorneys for Defendants ROBERT WERRA; JOHN  
 WERRA; and 20/20 TECHNOLOGIES, INC.

28 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

1  
2 Dated: July 25, 2006

By: 

HON. JAMES WARE  
U.S. DISTRICT COURT JUDGE

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28